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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

9 FEB 1993

IN REPLY REFER TO:
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Honorable Ben Nighthorse Campbell
United States Senate
Washington, D.C. 20510

FEB 12 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Dear Senator Campbell:

This is in reply to your letter of January 28, 1993, in which you inquired on behalf of several of your constituents regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Those rules have been in place for over 20 years. While they have been amended on numerous occasions since that time, they nonetheless embody regulatory concepts based on yesteryear's technology and, unless changed, will stifle the growth and development of private land mobile radio technology and services, which are used primarily by local governments, public safety entities, and businesses to enhance their productivity. The Commission issued the Notice, therefore, to solicit comment from all interested persons on a wide variety of proposals designed to increase channel capacity, to promote more efficient use of these channels, and to simplify the rules governing use of these channels.

The proposals in the Notice reflect to a large extent concepts and proposals submitted in the initial inquiry stages of this proceeding. None of the proposals set forth in the Notice, however, are engraved in stone. Indeed, the proposals represent our best judgment at this stage of the proceeding on steps that must be taken to improve the regulatory climate for users of the private land mobile radio spectrum below 512 MHz. To this end, some of the critical issues that must be resolved relate to channel spacing, the amount of time provided to users to convert to new technical standards, how the 300 to 500 percent increase in channel capacity should be licensed, how the rules should be written to provide users technical flexibility, and whether the current nineteen radio services should be consolidated and, if so, how. I have enclosed for your information a copy of that part of the Notice that describes the numerous proposals.

Your constituents are specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

021

Honorable Ben Nighthorse Campbell

2.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take into careful consideration all their comments. Your constituent's concerns will be fully evaluated when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Comments on the proposals set forth in the Notice are due February 26, 1993, and Reply Comments are due April 14, 1993. We expect final rules to be issued near the end of 1993. We urge your constituent to file formal comments on all aspects of the proposals.

Sincerely,



Ralph A. Haller
Chief, Private Radio Bureau

Enclosures:
Notice
Discussion paper

cc:
Chief, PRBureau
Chief, LM&M Divison
Deputy Chief, LM&M Division
Lou Sizemore, Room 857
Docket Files, Room 222
Licensing Div., PRB, c/o Room 5202
P&P Branch Files

CNTL NO - 9300293

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CONGRESS/9300293

Congressional

DUE: 2-9-93

PLEASE MAKE 2 EXTRA COPIES OF INCOMING, ATTACHMENTS,
AND REPLY FOR DOCKET FILE, ROOM 222.

CONGRESSIONAL CORRESPONDENCE TRACKING SYSTEM
02/01/93

LETTER REPORT

CONTROL NO.	DATE RECEIVED	DATE OF CORRESP	DATE DUE	DATE DUE OLA(857)
9300293	02/01/93	01/28/93	02/12/93	

TITLE	MEMBERS NAME	REPLY FOR SIG OF
Senator	Ben Campbell	BC

CONSTITUENT'S NAME	SUBJECT
several	info/comments on a docket

REF TO	REF TO	REF TO	REF TO
PRB/hmm 2-2-93	JX8		
DATE	DATE	DATE	DATE
02/01/93			

REMARKS:

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United States Senate
WASHINGTON, DC 20510-0605

PRB
docket
293

January 28, 1993

Mr. Stephen Klitzman
Associate Director
Federal Communications Commission
1919 M Street, NW, Room 808
Washington, DC 20554

Dear Mr. Klitzman,

I am writing to you regarding the Notice of Proposed Rule Making
in PR Docket 92-235.

I have enclosed several letters from my constituents who have
voiced their concerns with this proposal as it would reduce the
number of channels available for radio-controlled aircraft and
model use on the 72 MHz band, as well as the number of
frequencies on the 75 MHz band.

I would appreciate it if you would keep their concerns in mind as
you decide on the final language of the rule.

Thank you for your consideration.

Sincerely,



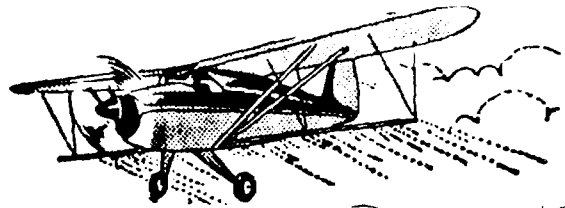
Ben Nighthorse Campbell
U.S. Senator

BNC/sdv
Enclosures

RECEIVED
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PRIVATE MAIL ROOM
FBI

Thompson's Hobbies

1585 WADSWORTH BLVD. • LAKEWOOD, COLORADO 80215
PHONE 303/238-5821



Jan 21, 1993

The Honorable Senator Ben Nighthorse Campbell
380 Russell Senate Bldg.
Washington, D.C. 20510

Dear Senator Campbell

I am a hobby retailer who sells many radios, radio-controlled models and related products in my store. In addition, I sell train products, plastic model kits and other related hobby products. Our livelihood greatly depends on these sales. I feel the need for hobbies in peoples lives today is extremely important. This hobby has aided in keeping adults happy in their free time and kids off the streets, doing something productive.

It has recently come to my attention that the Federal Communications Commission (FCC) is considering an action that has the potential to destroy my business and that of thousands of other retailers nationwide like me. The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and increase the risk of accidents and attendant liability.

Our radio-control frequencies are in the 72-76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio-control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

The Notice of Proposed Rule Making (NPRM) in PR Docket 92-235 replaces Part 90 of the rules with a new Part 88. Part 90 allows for safe use of R/C aircraft and surface models by keeping 10 Khz spacing between fixed commercial users and frequencies used by R/C enthusiasts. The new Part 88 will allow mobile users on frequencies within 2.5 Khz of frequencies available to us, eliminating safe use of at least 31 of the 50 channels on the 72 MHz band (for R/C aircraft) and 10 of the 30 frequencies on the 75 MHz band (for R/C cars and boats) now used by hobbyists. In fact, more channels will likely be affected.

When we operate our R/C models, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

I don't think it is wise of the FCC to seek to expand the operation conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have a considerable investment in our models and in our radio equipment. It is a billion dollar industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people and contributes to the advancement and development of the commercial aviation industry.

Please help me continue my business without interference by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We need your help urgently because the FCC has a deadline of February 26, 1993 after which it may become more difficult to avoid this economic mistake.

Sincerely, *Lawrence D. Thompson*

The Honorable

Senator Ben Nighthorse Campbell
380 Rasse II Senate Bldg.
Washington, DC 20510

Jan 20 1993

Dear

Senator Campbell

I am employed by a family owned and operated Hobby Shop whose livelihood greatly depends on the sale of Radio Controlled airplanes, boats, and cars. I feel the need for hobbies in peoples lives today is extremely important. This hobby has aided in keeping adults happy in their free time and kids off the streets, doing something productive.

I am very concerned about the proposed rule that is currently under consideration by the Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and increase the risk of accidents and attendant liability.

Our radio-control frequencies are in the 72-76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio-control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

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When we operate our R/C models, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

I don't think it is wise of the FCC to seek to expand the operation conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have a considerable investment in our models and in our radio equipment. It is a sizeable industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me to continue my employment by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We need your help urgently because the FCC has a deadline of February 26, 1993 after which it may become more difficult to avoid these proposals from going into effect.

Sincerely,

Sandra Smith

January 19, 1993

To: Honorable Ben Nighthorse Campbell
United States Senate
Washington, DC 20510

Subject: NPRM - PR Docket 92-235

Dear Senator Campbell

I am a concerned citizen who derives many hours of enjoyment from constructing and operating Radio Controlled Airplanes. This hobby is a continuation of my interest in aviation for as long as I can remember. I am very active in local clubs whose members enjoy constructing and operating Radio Controlled Models. In addition, we are also very active in community affairs using our hobby as way to reach other members of our community.

I am concerned about proposed rules that are currently under consideration by the Federal Communications Commission (FCC). The proceeding is **PR DOCKET 92-235**. If adopted, the new rules will greatly reduce the usability of frequencies currently assigned for model use and increase the risk of accidents and attendant liability for controlling model airplanes.

Our radio controlled frequencies are in the 72-76 MHZ band. This band is primarily used for private land mobile dispatch operations. However, our radio controlled frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

The FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio controlled frequencies and cause interference to radio controlled operations. It is my understanding that of the current 50 frequencies in the 72 MHZ band that are currently used by radio controlled enthusiast for control of model aircraft, 31 frequencies will be impacted leaving only 19 available if the new rules are adapted.

When we fly our model airplanes under radio control, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

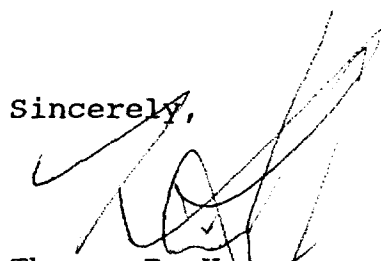
Please understand that many model airplanes have wing spans up to 10 feet and weigh as much as 20 to 40 pounds. The models themselves are expensive to build; but more to the point, they are

capable of causing serious property damage, serious injury, or even death if radio interference causes the operator to lose control of the craft. We often fly our models at organized events and contests where hundreds of operators participate. We need the use of our full complement of radio frequencies in order to assure a safe flying environment.

I do not think it is wise of the FCC to improve the operating conditions of land mobile radio users at the expense of radio controlled modelers. The FCC may not think we are as important as business users of radios, but we have a considerable investment in our hobby/models and in our radio equipment. The hobby provides many hours of enjoyment to hundreds of thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help all the modelers in our great state and the country to continue the safe enjoyment of our pastime by not allowing the FCC to carry out its proposals for the 72-76 MHz band. We believe that the FCC can explore other avenues to resolve this problem without adversely affecting our enjoyment.

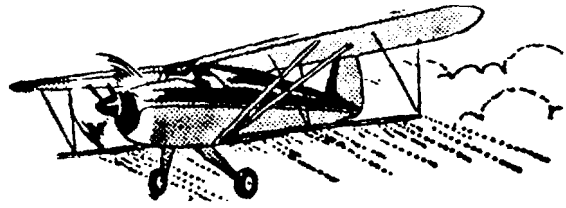
Sincerely,

A handwritten signature in black ink, appearing to read 'THAGNEY', is written over the word 'Sincerely,' and the printed name below.

Thomas R. Hagney
9904 W. 106th Place
Westminster, Colorado 80021-7318
(303) 466-5321

Thompson's Hobbies

1585 WADSWORTH BLVD. • LAKEWOOD, COLORADO 80215
PHONE 303/238-5821



1-20-93

The Honorable Senator Ben Nighthorse Campbell
380 Russell Senate Bldg.
Washington, DC 20510

Dear Senator Campbell:

I am a hobby retailer who sells many radios, radio-controlled models and related products in my store. In addition, I sell train products, plastic model kits and other related hobby products. Our livelihood greatly depends on these sales. I feel the need for hobbies in peoples lives today is extremely important. This hobby has aided in keeping adults happy in their free time and kids off the streets, doing something productive.

It has recently come to my attention that the Federal Communications Commission (FCC) is considering an action that has the potential to destroy my business and that of thousands of other retailers nationwide like me. The proceeding is PR Docket 92-235. If adopted the new rule will greatly reduce the usability of frequencies currently assigned for R/C model use and increase the risk of accidents and attendant liability.

Our radio-control frequencies are in the 72-76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio-control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

The Notice of Proposed Rule Making (NPRM) in PR Docket 92-235 replaces Part 90 of the rules with a new Part 88. Part 90 allows for safe use of R/C aircraft and surface models by keeping 10 Khz spacing between fixed commercial users and frequencies used by R/C enthusiasts. The new Part 88 will allow mobile users on frequencies within 2.5 Khz of frequencies available to us, eliminating safe use of at least 31 of the 50 channels on the 72 MHz band (for R/C aircraft) and 10 of the 30 frequencies on the 75 MHz band (for R/C cars and boats) now used by hobbyists. In fact, more channels will likely be affected.

When we operate our R/C models, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

I don't think it is wise of the FCC to seek to expand the operation conditions of land mobile radio users at the expense of the radio-control modelers. The FCC may not think we are as important as business users of radio, but we have a considerable investment in our models and in our radio equipment. It is a billion dollar industry that must be saved from these detrimental FCC actions. The hobby provides many hours of enjoyment to hundreds of thousands of people and contributes to the advancement and development of the commercial aviation industry.

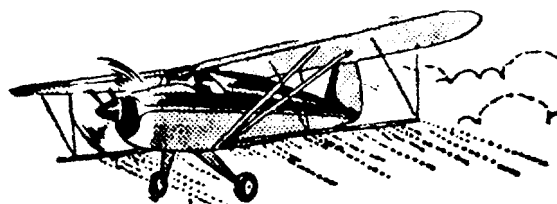
Please help me continue my business without interference by not allowing the FCC to carry out its proposal PR Docket 92-235 for the 72-76 MHz band. We need your help urgently because the FCC has a deadline of February 26, 1993 after which it may become more difficult to avoid this economic mistake.

Sincerely,

Jerry M. Thompson

Thompson's Hobbies

1585 WADSWORTH BLVD. • LAKEWOOD, COLORADO 80215
PHONE 303/238-5821



1-20-93

The Honorable Senator Ben Nighthorse Campbell

380 Russell Senate Bldg.
Washington, D.C. 20510

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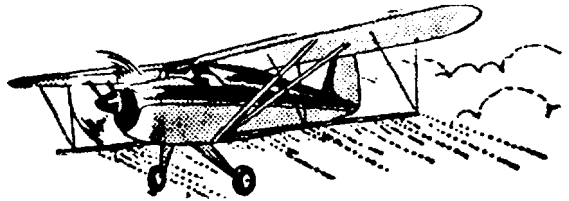
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Sincerely,

Georgia F. Thompson

Thompson's Hobbies

1585 WADSWORTH BLVD. • LAKEWOOD, COLORADO 80215
PHONE 303/238-5821



1-20-93

The Honorable *Senator Ben Nighthorse Campbell*
380 Russell Senate Bldg
Washington, DC 20510

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Sincerely,

Susan L. Hall

The Honorable *SENATOR BEN Nighthorse CAMPBELL*
380 RUSSELL SENATE BLDG.
WASHINGTON, DC 20510

JAN. 20, 1993

Dear *SENATOR CAMPBELL,*

1993 JAN 20 PM 3:01

I am employed by a family owned and operated Hobby Shop whose livelihood greatly depends on the sale of Radio Controlled airplanes, boats, and cars. I feel the need for hobbies in peoples lives today is extremely important. This hobby has aided in keeping adults happy in their free time and kids off the streets, doing something productive.

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Sincerely,

Rebecca Thompson

EVANS & LIPSON
ATTORNEYS AT LAW
7290 SAMUEL DRIVE
SUITE 322
DENVER, COLORADO 80221-2793
PHONE 303-427-5581

January 20, 1993

The Honorable Ben Nighthorse Campbell
United States Senate
Washington, DC 20510

Dear Sir:

The FCC should not change the frequencies assigned to model airplane users and should not allow the new frequencies proposed by NPRM P R Docket 92-235.

1. The model airplane community in 1990 changed their equipment to more narrow spacing. The cost to the modeling public was in the tens of millions of dollars. At least 400,000 modelers spent \$400.00 each to change their radios. This is a very conservative estimate. The cost to change again will probably be much higher since more expensive technology would be used.

2. Burt Rutan, well-known for his innovative aircraft designs including the proof of concept for the Beach Starship and his own single engine low cost fighter aircraft, Aries, which he is currently marketing, started as a modeler in his youth. Model aircraft building and flying is a highly respected sport in the European countries. They recognize that future engineers, mathematicians and scientists come from the ranks of the model aircraft fliers. This valuable endeavor needs to be encouraged by the U.S. Government.

3. R C modelers must have frequencies upon which they can rely for today's use and a reasonable time into the future without change. The planes now weigh up to 55 pounds and have up to ten horse power motors and cost from a few hundred dollars to over \$10,000.00. Many are working models of full-sized planes. Due to the expense of full-size planes, many people have gone to flying the models as a less expensive alternative. For the safety of all involved, and potential expense, it is very important that the model aircraft fliers have frequencies clear of interference. This sport is now very safe. One million dollars insurance coverage costs a pilot \$25.00 per year.

4. R C model aircraft are used in defense and industrial applications throughout the world. The modelers have been the ones to make the technology available to the defense departments and industrial users.

5. The sport of flying model aircraft should be protected as it provides the country with engineers and scientists. This sport is the only sport which requires engineering and scientific knowledge to become proficient. We need good scientists and engineers in this country. Please do not take away the only sport activity which promotes these disciplines.

Sincerely,

A handwritten signature in cursive script, appearing to read "Albert V. Evans".

Albert V. Evans